

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

STEVEN WIATRAK and
KELVIN HENDERSON,

Civil No. 05-2121 (RHK/JSM)

ORDER

Plaintiffs,

v.

UNITED PARCEL SERVICE, INC.,
UPS SUPPLY CHAIN SOLUTIONS, INC.,
WORLDWIDE DEDICATED SERVICES, INC.,
INTERNATIONAL MANAGEMENT SERVICES
COMPANY (IMSCO), and TFE LOGISTICS
GROUP, INC., a/k/a The TFE Group, Inc.,

Defendants.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Janie S. Mayeron dated
September 22, 2006. No objections have been filed to that Report and Recommendation
in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the
files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 41) is **ADOPTED**;
2. Plaintiffs' Motion to Vacate (Doc. No. 35) requesting the Court to vacate the
Court's July 24, 2006, Order for dismissal is **GRANTED** and this case is reopened;

3. Plaintiffs' claims against Worldwide Dedicated Services, Inc., United Parcel Service, Inc., and UPS Supply Chain Solutions, Inc. as pled in plaintiff's Amended Complaint are reinstated; and

4. The December 8, 2005 Pretrial Scheduling Order (Doc. No. 11) shall remain in effect unless the parties show good cause to amend it.

Dated: October 17, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge